

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

1: 21-cv-10878-AT-JLC

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JASON GOODMAN,

Plaintiff,

-against-

CHRISTOPHER ELLIS BOUZY, BOT SENTINEL, INC,
GEORGE WEBB SWEIGERT, DAVID GEORGE
SWEIGERT, BENJAMIN WITTES, NINA JANKOWICZ,
ADAM SHARP, MARGARET ESQUENET, THE
ACADEMY OF TELEVISION ARTS AND SCIENCES,
SETH BERLIN, MAXWELL MISHKIN.

Defendants.
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**OBJECTION TO
REPORT AND
RECOMMENDATION
AND MOTION TO
VACATE REFERRAL
TO MAGISTRATE
JUDGE**

Plaintiff, Jason Goodman, (“Goodman”) by and for himself pro se, respectfully submits this objection to the Report and Recommendation (ECF No. 269) and moves the Court to vacate its referral to Magistrate James L. Cott pursuant to FRCP Rule 73(b)(3) and for the reasons set forth below:

INTRODUCTION

1. This case is fundamentally based on Goodman’s well-founded, evidence backed claims that Benjamin Wittes (“Wittes”) participated in scheme with the FBI and others, intended to deceive the public into believing Russian hackers substantially influenced the 2016 election. Goodman further alleges Wittes lied about the suspicious death of Peter W. Smith (“Smith”) and that maintaining this lie is critical to hiding the truth of matters related to the 2016 election.

2. As part of the scheme, Goodman alleges, Wittes motivated Christopher Bouzy (“Bouzy”) to harass and defame Goodman while maliciously destroying Goodman’s access to social media, to deprive Goodman of income and to prevent him from reporting on true but unfavorable facts about Wittes and others regarding evidence related to Smith’s death.

3. Smith was a GOP operative at the heart of one of the greatest controversies in U.S. history. Smith allegedly died by suicide while trying to obtain stolen emails attributed to Hillary Clinton from Russian hackers. To date, no Russian hacked emails have been produced.

4. Private communications between Smith and close Goodman associate Charles Ortel, (“Ortel”) prior to Smith’s death, reveal fruitless attempts to convince a disinterested Ortel to take possession of the emails once received. Had Smith succeeded in obtaining the emails and transmitting them to Ortel, the FBI would have learned of the transaction on December 11, 2018, when they interviewed Ortel at the Roosevelt Hotel in New York City. **(EXHIBT A)**

5. Smith committed suicide before obtaining any hacked emails and Trump was not convicted through impeachment, proving no evidence of substantial Russian hacking was found.

6. Goodman’s investigation into these matters relied substantially on facts and evidence available in the public domain and additional information from private communications provided to Goodman by Ortel. Ortel had emails from Smith that contradicted significant aspects of Wittes’ report and caused Goodman to inquire with Wittes, at first politely and eventually more confrontationally as it became increasingly apparent Wittes was lying.

7. As Wittes increasingly resisted being contacted, Goodman began to question the honesty of the errors. Goodman spent more than two years engaged in good faith efforts to contact Wittes prior to the Twitter eruption that prompted Bouzy to intervene. Bouzy admitted in a lengthy phone call with Goodman that his purpose was to stop Goodman from reporting about Wittes. Bouzy admits to maliciously destroying Goodman’s social media including Twitter (now X.com), Facebook and YouTube. Bouzy was aware Goodman relied on these to earn a living.

8. The email Wittes sent to then FBI Director James Comey (“Comey”) on December 28, 2016, is entirely and specifically about Smith who was still alive at the time it was

sent. Wittes references a document researched by Shane Harris (“Harris”) of the Wall Street Journal, who called and questioned Ortel in a phone conversation Goodman witnessed on June 30, 2017. The private British intelligence firm described is Capitol Alpha Security, a defunct British Cyber Security firm run by Wittes’ associate and www.lawfareblog.com contributor Matt Tait (“Tait”). Tait also wrote about the Harris document in a blog post he also published on June 30, 2017. (<https://www.lawfaremedia.org/article/time-i-got-recruited-collude-russians>)

9. This all appears extremely coincidental; however, it is not. This is an orchestrated effort by the defendants, the FBI, and a multitude of other parties intended to suppress true information and entrap individuals including Goodman and Ortel in a scheme that would support the false narrative about Russian hackers required to impeach Trump.

10. In his previous Report and Recommendation Magistrate Cott incorrectly determined that the email sent by Wittes to Comey is not relevant to this case and that Goodman’s claims are frivolous. Nothing could be further from the truth.

11. Magistrate Cott’s personal history with Comey and the FBI and his bias in favor of their illegal scheme, indicate he must not only be removed from this case, but he should also be removed from the bench. Magistrate Cott violated the law and Goodman’s constitutional rights when he denied irrefutable facts about the email Wittes sent to Comey to unjustly rule in a manner favorable to the FBI that can only be described as judicial corruption. Pursuant to FRCP Rule 73(b)(3) he must now be removed due the extraordinary circumstances under which he has violated the Oath of Office to which he is sworn, the Constitution of the United States of America, and Goodman’s rights as a citizen and litigant in this honorable Court.

12. Adding insult to injury and violating Goodman’s first amendment rights and rights to access the courts, Magistrate Cott recommended a filing injunction against Goodman

similar to one already pertaining to Wittes and Jankowicz and enjoining Goodman from filing against other parties. This is perhaps Magistrate Cott's most egregious display of bias yet.

13. Magistrate Cott failed to take similar action, and waited as long as he could to act on well-founded motions intended to enjoin Sweigert from his cruel and unnecessary harassment of Goodman's octogenarian mother while she recovered from major spinal surgery. Magistrate Cott should be ashamed of himself for this disgusting display of carelessness and cruelty. His failure to enjoin Sweigert after thousands of pages of frivolous filings clogging dockets across U.S. District Courts while he recommends enjoining Goodman is nothing short of disgraceful.

14. Magistrate Cott should be criminally charged as complicit in Sweigert's cyber stalking and harassment of Goodman's elderly parents who have nothing to do with this case. This truly disgusting display of indifference for an innocent elderly woman's suffering is further evidence that Magistrate Cott is unfit to serve in a U.S. District Court and has no sense of justice whatsoever. His cruel indifference is identical in character to Judge Caproni's failure to acknowledge Sweigert's abuse of Goodman's former attorney's child and cannot go unpunished. (*See* case 1:20-cv-07269-VEC-OTW Dkt. 102-2)

15. It can no longer be denied that Jurists in this Court have been working in cooperation with the United States Intelligence Community ("USIC") and serve it over justice. This includes, inter alia the FBI. These allegations cannot be denied and are further supported by the fact that none of the accused have even attempted to counter the well-founded claims or offer countermanding evidence. This manifest injustice must end now.

THE REFERRAL TO MAGISTRATE COTT MUST BE VACATED

16. Rule 73(b)(3) provides that, "when a party shows extraordinary circumstances . . . the district judge may vacate a referral to a magistrate judge under this rule." "The 'extraordinary

circumstances' standard is a high bar that is difficult to satisfy." *Savoca v. United States*, 199 F. Supp. 3d 716, 721 (S.D.N.Y. 2016).

Carter v. Sewell, No. 1:23-cv-01139 (JLR) (RWL), 2023 U.S. Dist. LEXIS 65419, at *1-2 (S.D.N.Y. Apr. 13, 2023)

17. No circumstance could be more extraordinary than a Magistrate judge violating the law, a litigant's Constitutional rights to due process, and the doctrine of separation of powers.

SPECIFIC OBJECTIONS

18. Magistrate Cott recommended the ATAS defendants' motion to alter judgment be granted and a filing injunction be imposed barring any future filings by Goodman against them in this District without first obtaining leave of court. This should be rejected because ATAS participated in a fraudulent scheme with Sweigert to wrongfully sue a false corporation attributed to Goodman as part of their effort to gain an unfair advantage and deny him due process and a fair trial, (*See* Case 1:20-cv-07269-VEC-OTW Dkt. 184). Defendants will fail to explain how they learned of "Multimedia System Design, INC., D/B/A/ Crowdsource the Truth" if not from Sweigert. If this Court has any interest in serving justice, it must at least compel defendants to explain how they learned of this false corporate entity. Failure to compel this explanation would be denial of justice and access to evidence that would prove Goodman's claims are not frivolous.

19. The Court cannot reasonably deny Goodman's well-founded claims without seeking answers to questions that each of these defendants repeatedly refuse to address. Here, Magistrate Cott merely seeks to end Goodman's legitimate efforts to get to the bottom of a complex scam perpetrated by sophisticated litigants represented by experienced bar members.

20. In yet another completely outrageous recommendation, Magistrate Cott suggests that the Bouzy defendants' application for a filing injunction be granted for the same reasons as

the one previously entered for other defendants. Bouzy is a brazen, malicious liar who deliberately spread false and heinous rumors that he knew to be untrue that not only tarnish Goodman's public reputation but expose him to public hatred and increase the likelihood that gullible members of the public might take the false statements to heart and do violence against Goodman. Magistrate Cott should again be ashamed of his complicity in these actions, Magistrate Cott puts Goodman at risk to repeatedly and unjustly favor Bouzy.

21. This Court is aware, that major law firms like Ballard Spahr do not generally represent individuals like Goodman or Bouzy. Goodman learned this from communicating with dozens of similarity sized New York law firms and hearing their logical reasons for not representing him. The Court and any experienced attorney already know these reasons and they cannot be reasonably denied.

22. It is important to note that defendant Maxwell Mishkin also represented New York Times journalist Eric Lichtblau in another FBI related case that dealt with similar facts and evidence and resulted, inter alia, in the termination of FBI General Counsel, James Baker. (<https://www.nytimes.com/2022/05/25/us/politics/michael-sussmann-trial-eric-lichtblau.html>)

23. Baker became deputy General Counsel at Twitter after leaving the FBI. These facts are not mere coincidences. Goodman did not direct these individuals and played no role in these agencies, companies, or courts that made these decisions. If this Court determines these claims to be "conspiracy theory" then it must be an FBI conspiracy because Goodman is not theorizing, he is recounting undeniable facts that the defendants will fail to deny.

24. The denial of ATAS request for attorney fees is the only reasonable recommendation made. There would be no attorney fees had ATAS not violated its own articles of incorporation, IRS Code and state and federal laws when it wrongfully sued a false corporate

entity in a misguided effort to prevent Goodman from reporting on defendant Sharp's plans to assist the FBI with a media campaign to interfere in the 2020 election by suppressing evidence of a laptop owned by Hunter Biden. (https://youtu.be/qcl_8aQOlsQ?si=EKDGx_IGdCTndjwl)

25. Facts pertaining to this evidence have been corroborated by the likes of the New York Times and the Washington Post, and the claims are being investigated by Congress.

(<https://www.nytimes.com/2023/05/16/us/politics/republicans-hunter-biden-laptop.html>)

(<https://judiciary.house.gov/committee-activity/hearings/hearing-weaponization-federal-government-twitter-files>). Goodman's claims are not frivolous, they are fatal to the FBI.

CONCLUSION

Goodman's claims can no longer be dismissed as conspiracy theory. The Court must fulfill its purpose of upholding the law in service of justice. In furtherance of that purpose, Magistrate Cott's unjust and unconstitutional recommendations must be rejected, and he must be vacated from this case pursuant to FRCP Rule 73(b)(3) in addition to any further remedies including injunctive and declaratory relief as determined by the Court.

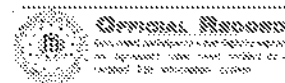
Dated: New York, New York December 12, 2023

Respectfully submitted,



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EXHIBIT A

UNCLASSIFIED//~~FOUO~~

FEDERAL BUREAU OF INVESTIGATION

Date of entry 01/15/2019

On 12/11/2018, [redacted] telephone number [redacted] was interviewed at [redacted]

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[redacted] Present for the interview were FBI Special Agent [redacted] and FBI Special Agent [redacted] was advised the interview was entirely voluntary and that he could discontinue it at any time. During the interview, [redacted] was further advised that intentionally providing false statements to FBI Agents was a violation of federal law. After being advised of the identities of the interviewing Agents and the purpose of the interview, [redacted] provided the following information:

[redacted] was advised that [redacted]
[redacted] SA [redacted] provided a copy of [redacted]
to [redacted] after [redacted] said he was not aware of it.

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[redacted]

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Investigation on 12/11/2018 at New York, New York, United States (In Person)

File # [redacted] Date drafted 12/13/2018

by [redacted]

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UNCLASSIFIED//~~FOUO~~(U//~~FOUO~~) Interview of 12/11
/2018

Continuation of FD-302 of _____, On 12/11/2018, Page 2 of 8

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b7Cb6
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b7CRoger Stoneb6
b7Cb6
b7Cb6
b7C was shown a 7/25/2016 Sat 12:27 ET email which was about getting
to the Ecuadorian Embassy. b6
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FBI(19cv1278)-5503

UNCLASSIFIED//~~FOUO~~(U//~~FOUO~~) Interview of 12/11Continuation of FD-302 of /2018 . On 12/11/2018 . Page 3 of 8b6
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b7Cb6
b7A
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b7CReferring back to the Ecuador email, was not aware of any action
Stone may have taken b6
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[Redacted]

(U//~~FOUO~~) Interview of [Redacted] 12/11
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Continuation of FD-302 of _____, On 12/11/2018, Page 4 of 8

Jerome Corsi

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(U//~~FOUO~~) Interview of [Redacted] 12/11
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Continuation of FD-302 of _____, On 12/11/2018, Page 5 of 8

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Continuation of FD-302 of _____, On 12/11/2018, Page 6 of 8

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Continuation of FD-302 of _____, On 12/11/2018, Page 7 of 8

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Advanced Knowledge

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Continuation of FD-302 of _____, On 12/11/2018, Page 8 of 8

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FBI(19cv1278)-5509